

United States Bankruptcy Court
Northern District of California

Ng,
Plaintiff
Tom,
Defendant

Adv. Proc. No. 19-03065-HLB

CERTIFICATE OF NOTICE

District/off: 0971-3
Date Rcvd: Apr 25, 2022

User: admin
Form ID: pdfaoapc

Page 1 of 1
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 27, 2022:

Recip ID	Recipient Name and Address
+	Justin Tom, 2710 Melendy Dr. #8, San Carlos, CA 94070-3687
+	Qiu Yue (Winnie) Jiang, 361 Maynard St., San Francisco, CA 94112-1640

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 27, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 25, 2022 at the address(es) listed below:

Name	Email Address
Alexander James Demitro Lewicki	on behalf of Plaintiff Kendall Ng alewicki@diemerwei.com
Charlie W. Yu	on behalf of Witness Green Oasis Limited Partnership cyu@essentiallawgroup.com admin@yulawoffice.com
Kathryn S. Diemer	on behalf of Plaintiff Kendall Ng kdiemer@diemerwei.com
Susan B. Luce	on behalf of Plaintiff Kendall Ng sluce@diemerwei.com

TOTAL: 4



Signed and Filed: April 25, 2022

A handwritten signature in black ink, appearing to read "Hannah L. Blumenstiel", is written over a horizontal line.

HANNAH L. BLUMENSTIEL
U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In re:)	Case No. 19-31024 HLB
)	
RICHARD TOM,)	Chapter 7
)	
Debtor.)	
)	
MARK NG, KENDALL NG, and)	
LORAIN WONG,)	Adv. Proc. No. 19-3065 HLB
)	
Plaintiffs,)	
)	
v.)	
)	
RICHARD TOM,)	
)	
Defendant.)	

FIFTH ORDER REGARDING DISCOVERY DISPUTE

On April 15, 2022, the court entered its Fourth Order Regarding Discovery Dispute,¹ which described correspondence the court received from counsel for Plaintiffs Mark Ng, Kendall Ng, and Loraine Wong concerning discovery disputes that had arisen with third parties Justin Tom, Qiu Yue ("Winnie") Jiang, Giovanni Torocca, and Marc Weismann. Shortly after the court received Plaintiffs' counsel's letter, it received a response from Mr. Weismann.

¹ Dkt. 82 (the "Fourth Order").

1 The Fourth Order required Mr. Weismann to appear for a
2 continued deposition prior to May 31, 2022 and set forth other
3 requirements concerning Mr. Weismann's production of documents
4 and the location at which his continued deposition should take
5 place. The Fourth Order also set a deadline of April 22 as that
6 by which Mr. Tom, Ms. Jiang, and Mr. Torocca should respond to
7 Plaintiffs' counsel's correspondence and warned that a failure to
8 timely respond would result in the court deeming the non-
9 responding party unopposed to the relief sought.

10 The court received timely responses from Messrs, Tom and
11 Torocca; Ms. Jiang did not respond. Through counsel, Mr. Torocca
12 disputes Plaintiffs' counsel's assertion that he failed to appear
13 for a deposition, contending that Plaintiffs' counsel failed to
14 provide a link for the intended video deposition. Mr. Torocca
15 represents that he is willing to appear for an in-person
16 deposition, which he asks take place in May 2022 to accommodate
17 his counsel's trial schedule.

18 Mr. Tom disputes that he was ever properly served with a
19 deposition or document subpoena, although he concedes that "[m]y
20 younger brother was given a copy of a subpoena at some point."
21 He then proceeds to refute the merits of certain of Plaintiffs'
22 allegations concerning his involvement in a scheme to
23 fraudulently transfer assets for the purposes of hindering
24 Plaintiffs' efforts to collect a judgment they obtained against
25 Justin Tom's father, Richard Tom. He claims that Plaintiffs'
26 counsel is "intentionally harassing" him "because they have
27 failed to get the answers they want from Richard Tom," and he
28

1 opposes having to "sit for any further deposition in this or any
2 other litigation involving the judgment against Richard Tom."

3 Having carefully considered the responses it received, the
4 court **ORDERS** as follows:

5 **1.** As to respondent Qiu Yue ("Winnie") Jiang, the court
6 hereby deems her unopposed to Plaintiffs' counsel's request for
7 an order compelling Ms. Jiang to appear for a further deposition
8 and to produce documents in advance of such deposition. The
9 court hereby **ORDERS** Ms. Jiang to appear for a further deposition
10 on a mutually agreeable date no later than **June 30, 2022**. The
11 court further **ORDERS** Ms. Jiang to produce at least 5 business
12 days prior to her continued deposition any and all documents
13 within her possession, custody, or control that are responsive to
14 the subpoena with which she was previously served. Ms. Jiang's
15 continued deposition shall take place in-person, in the offices
16 of Plaintiffs' counsel, and shall last no longer than 7 hours of
17 time on the record. To the extent Plaintiffs' counsel requests
18 leave to file a motion for sanctions as to Ms. Jiang, that
19 request is hereby **DENIED** pending Ms. Jiang's cooperation with
20 this order. If Ms. Jiang fails to comply in good faith with this
21 order, Plaintiffs' counsel may renew their request for leave to
22 file a motion for sanctions.

23 **2.** As to respondent Giovanni Torocca, the court hereby
24 **ORDERS** Mr. Torocca to appear for deposition on a mutually
25 agreeable date on or prior to **May 31, 2022**. The court further
26 **ORDERS** Mr. Torocca to produce at least 5 business days prior to
27 his deposition any and all documents within his possession,
28 custody, or control that are responsive to the subpoena with

1 which he was previously served. Mr. Torocca's deposition shall
2 take place in-person, in the offices of Plaintiffs' counsel, and
3 shall last no longer than 7 hours of time on the record. To the
4 extent Plaintiffs' counsel requests leave to file a motion for
5 sanctions against Mr. Torocca, that request is hereby **DENIED**
6 pending Mr. Torocca's cooperation with this order. If Mr.
7 Torocca fails to comply in good faith with this order,
8 Plaintiffs' counsel may renew their request for leave to file a
9 motion for sanctions.

10 **3.** As to respondent Justin Tom, the court **ORDERS**
11 Plaintiffs' counsel to serve Mr. Tom with a deposition and
12 document subpoena no later than **April 29, 2022**. Plaintiffs'
13 counsel shall serve such subpoena by email to
14 justinctom@gmail.com and by first class mail to 2710 Melendy
15 Drive, Apt. 8, San Carlos, CA 94070. Service of such subpoena in
16 compliance with this order shall constitute valid service. Such
17 subpoena shall set Justin Tom's deposition for a date on or prior
18 to June 30, 2022 and the court hereby **ORDERS** Plaintiffs' counsel
19 and Justin Tom to meet and confer in good faith as to an
20 acceptable date for such deposition. Justin Tom's deposition
21 shall take place in-person, in Plaintiffs' counsel's offices, and
22 shall last no longer than 7 hours of time on the record. The
23 court hereby **ORDERS** Justin Tom to produce at least 5 business
24 days prior to his deposition any and all documents within his
25 possession, custody, or control that are responsive to the
26 subpoena required by this order. To the extent Plaintiffs'
27 counsel requests leave to file a motion for sanctions against
28 Justin Tom, that request is hereby **DENIED** pending his cooperation

1 with this order. If Justin Tom fails to comply in good faith
2 with this order, Plaintiffs' counsel may renew their request for
3 leave to file a motion for sanctions.

4 **4.** The court **ORDERS** that the current fact discovery
5 deadline of April 1, 2022² is suspended pending completion of the
6 discovery required by this order.

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8 ****END OF ORDER****
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28 ² Dkt. 44.

Court Service List

Justin Tom
2710 Melendy Drive, Apt. 8
San Carlos, CA 94070

Justin Tom
justinctom@gmail.com

Charlie W. Yu (counsel for Giovanni Torocca)
cyu@essentiallawgroup.com

Qiu Yue ("Winnie") Jiang
361 Maynard Street
San Francisco, CA 94112

Qiu Yue ("Winnie") Jiang
winnie_92001@yahoo.com